



Idaho's Citizen Commission for Reapportionment

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Public Meeting
Saturday, January 28, 2012
11:00 a.m.
Room C110, Capitol Building

Present were **Chairman Beitelspacher**, **Commissioner Crow**, **Commissioner Grange**, **Commissioner Hansen**, and **Commissioner Martinez**. **Commissioner Olsen** was not present. Present from the staff were **Ms. Ford**, **Mr. Cutler**, and **Ms. Gaudet**. Present from the Attorney General's Office was **Mr. Kane**.

Chairman Beitelspacher called the commission to order and said that first he wanted to thank all of the commissioners for the work they had done the day before in the open meeting. He stated that although the press had noted it, he wanted to note it himself, in front of everyone, that it was a class move on the part of **Chairman Crow** to recuse herself when they got into the Nampa area where she knew where incumbents lived. He said that maybe he should apologize to the commission for his ranting in the press about the size of the horrendous districts, but it was also duly noted that when they started drawing districts, for the first time ever, that people actually knew that they were concerned about census blocks, precinct lines and roads. He stated that ever since they had started meeting he had never seen that written, so he thought they all had made a wise choice in opening up their process to everyone. **Commissioner Olsen** then arrived. **Chairman Beitelspacher** continued that it was duly noted in the paper that morning by the AP reporter that there was never any discussion of incumbency, and that there was a lot of discussion about roads, corners, census blocks, and the things that they worried about, and it was nice to see that printed. **Commissioner Crow** said she was really confused when the AP reporter kept talking about two weeks. **Chairman Beitelspacher** said that he was also confused by that, and they would have to get a clarification on that. **Commissioner Crow** said that was not right, as people didn't need to think they had been meeting for two weeks again.

Chairman Beitelspacher said that day they were going to go over, proof read, and do some revisions if need be, to the findings and conclusions, and that **Mr. Kane** had been kind enough to come in from his time at home.

Mr. Kane explained that he had gone through and reworked the findings, and he suggested that the commission follow along as he went over them and pointed out where the changes had been made. He asked that they correct anything that he had gotten wrong as it should be their view of the world, not his view on their view of the world. He said that the first portion was largely introductory, and the key concept was that it was consistent with the Supreme Court's order that this was a revision of L87, so the adoption of L93 was a revision of L87, and that was why they would see the language to that effect. He indicated that he had added a sentence to the bottom of the first page which said, *Pursuant to the order of the Idaho Supreme Court, the Commission reconvened on January 26-29, 2012 for the purpose of revising Plan L87*. He then confirmed that those dates were correct.

Mr. Kane stated that on the second page he had added the sentence, *This provision has been interpreted and applied by the Idaho Supreme Court to mean that a plan that splits 8 counties is unconstitutional if a plan that splits 7 counties within the allowable deviation is advanced*. He said that he thought that was an accurate statement of how the court had applied that provision. **Chairman Beitelspacher** asked that the commission meeting be informal, so if a commissioner saw something they could direct their comments directly to **Mr. Kane**. **Mr. Kane** indicated that was the only change on page 2. **Chairman Beitelspacher** asked him if he meant that was the only change from what he had handed them the night before, and **Mr. Kane** said that was correct. **Chairman Beitelspacher** said that **Mr. Kane** was assuming that they had gone through what he had given them the night before. **Mr. Kane** said that was also the only change from the previously adopted findings. **Chairman Beitelspacher** asked that he clarify that, as he was going to confess that he did not do his homework the night before.

Mr. Kane said that on page 3 he had added a provision (b) which he thought was very important to the work of the commission. It read, *Within the Twin Falls County case, the Court found that the following provisions of Idaho Code § 72-1506 are mandatory: (1), (2), (3), (6), (7), (8), and (9). To the maximum extent possible, the Commission complied with the mandatory requirements placed upon it for compliance. Two provisions of Idaho Code § 72-1506 are advisory: (4) and the provision in ¶ (5) that states: In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.* He said that included the language, and hopefully they would recognize the significance of that inclusion. He indicated that on (c) and (d) he had assumed that the day before they had a motion to waive the road and precinct requirements, and that those votes had been unanimous. **Chairman Beitelspacher** indicated that was correct.

Commissioner Olsen asked about the wording *kept to a minimum* in paragraph 5. **Mr. Kane** said that the key there was that the Supreme Court had expressly said that was a merely advisory requirement. **Ms. Ford** asked if **Mr. Kane** was referring to paragraph 5 in the opinion, and not the statute. **Mr. Kane** said that the opinion said that paragraph was merely advisory. **Chairman Beitelspacher** asked what *4 was. **Mr. Kane** explained that it was the citation to the page number in the opinion in *Twin Falls County*. **Chairman Beitelspacher** asked that when it said merely advisory if they were referring to 72-1506 (1)-(9). **Mr. Kane** said that was correct, and so ¶ 4, and the second sentence in ¶ 5 were merely advisory according to the Idaho Supreme Court. **Commissioner Hansen** asked if that was why the Supreme Court didn't address that at all in their opinion, as it really wasn't part of the statute. **Mr. Kane** said that it was part of the statute, and it was a guideline, but once it became advisory, it then became discretionary. **Commissioner Olsen** clarified that it became discretionary within the commission.

Mr. Kane pointed out that he had updated paragraph 5 to reflect the current case law, and then he had rewritten the portion about division of counties, so the paragraph about Bingham County said that it had been kept intact. **Ms. Ford** asked why he had taken out *geographic* because they still had that with Bonner County. **Mr. Kane** said that he had dealt with Bonner County in a different paragraph. He noted that since Bingham County could be self-contained he had treated that separately. He continued that two counties could be divided, which were Ada and Kootenai, which he had named expressly, and that four counties; Bannock, Bonneville, Canyon, and Twin Falls Counties...

There was then a discussion as to where this information was contained in the document, and **Mr. Kane** directed the commission to the correct page and the sentence in (b) which said, *two counties could be divided into districts wholly within that county*, and pointed out that those counties were Ada and Kootenai. Then they had four counties where one or more districts could be created solely within the county. Then he had a description of Bonneville County, which said that it *occupies a particularly unique situation because it had the population sufficient to equal 2.3 districts, but it must be split in order to preserve the County boundaries surrounding it in compliance with the Idaho Supreme Court's application of Article III, § 5.* He said that was the express application in that provision, and then (b) described Twin Falls County. He indicated that there was another description of Twin Falls County that discussed the advisory portion. In paragraph 9 he had deleted the reference to Appendix A as he didn't think they needed it at that point.

Going to the next page, in paragraph 9 he had added a sentence that said *As indicated above, the following Counties must be split: Bonner (geography/one person/one vote), Kootenai (internally), Ada (internally), Canyon (internally and externally), Twin Falls (internally and externally), Bannock (internally and externally) and Bonneville (internally and externally)* which reflected the map. Then he added a paragraph entitled Consideration of Plans, which said *the commission had before it for consideration 93 full and partial legislative reapportionment plans. But of those 93, only 8 complied with the dual requirements one person one vote and minimum county splits. Those plans were L66, L67, L76, L77, L79, L90, L91, and L93. The remaining plans (85) were either presumptively unconstitutional due to too many county splits or unacceptable population deviation, or failed to reapportion the entire state.* **Mr. Kane** said that he thought that was an accurate capture of what they had to deal with. The last line of that paragraph was, *The Commission evaluated and considered every plan submitted to it.* There was then a discussion about a partial plan which had come in which the commission had not reviewed, and it was decided that was covered by the sentence regarding plans that failed to reapportion the entire state.

Mr. Kane then went on to paragraph 12 where he had added, *The Commission adopts Plan L93 as the Idaho Legislative Redistricting Plan by a unanimous 6-0 vote.* On the next page he had fixed a typographical error in paragraph 14. In paragraph 17 he had deleted the reference to the tribe.

Chairman Beitelspacher asked if they were sure about the 9.7% overall deviation, and **Mr. Cutler** advised that was correct. **Mr. Kane** asked if they wanted to verify the population and the deviation of each of the districts. **Chairman Beitelspacher** asked **Mr. Cutler** to put those figures up on the screen. District 1 had a population of 46,712, with a + 4.3% deviation.

District 2 had a population of 45,894, with a +2.47% deviation.

District 3 had a population of 46,276, with a +3.32% deviation.

District 4 had a population of 46,324, with a +3.43% deviation.

Chairman Beitelspacher asked that they stop for a moment, and he asked about the changes that **Mr. Kane** had made in Districts 2, 3, and 4, as they were districts that were newly created, and he wanted to make sure that the verbiage mirrored, in their minds, what they had done. **Commissioner Hansen** said that he thought District 2 was all right. **Chairman Beitelspacher** said that Districts 3 and 4 should be all right as it was the original verbiage in pretty much the original districts. **Mr. Kane** said that he was going to change the second line in paragraph 16 to say *The district line follows well known and clearly identifiable streets and highways.*, and would delete the portion that said *and is consistent with public testimony as reflected in ¶¶ 18 & 19* as they did not have that in paragraphs 18 & 19 any longer.

Continuing on with the population and deviations, **Mr. Kane** said that District 5 had a population of 46,529, and had a +3.89% deviation. He had deleted the tribal reference from that district.

In District 6, which was Lewis and Nez Perce Counties, he was also going to delete the tribal reference. That district had a population of 43,086, with a -3.8% deviation.

District 7 had a population of 42,930, with a deviation of -4.15%. In that district he had added that the requirement for the road was waived by a 6-0 vote.

Commissioner Grange asked if they needed to add the waiver of roads requirement in District 1 also. **Mr. Kane** said that they had waived that requirement for the entirety of the plan, so he suggested that they remove the specific references. **Commissioner Grange** and **Chairman Beitelspacher** said that they liked having the specific references in the findings. **Chairman Beitelspacher** pointed out that in District 1, Highway 95 ran down the entire length of the district. **Commissioner Grange** said that she was mistaken, and that she was referring to District 7. **Chairman Beitelspacher** confirmed that in District 7 there was no road that tied it all together.

Commissioner Martinez referred to the sentence that said, *this major corridor ties the two counties together creating a community of interest and a flow of commerce through the area* and asked if that was not applicable to every district that had a major road or interstate. **Chairman Beitelspacher** said that they would need to have another sentence that preceded that sentence that would say what the major corridor was, because there was no major corridor that tied the two counties. **Mr. Kane** suggested that they take that sentence out, so the sentence starting *this major corridor* was removed, and the sentence that said *this part of Kootenai County* was also removed because the district did not include that part of Kootenai County any longer. **Chairman Beitelspacher** said that there was a part of him that wanted to add that those counties were guilty of being contiguous to each other, and that the Supreme Court decision determined that they be put together in that humongous district. **Mr. Kane** said that he would recommend against that.

District 8 had a population of 45,913, with a +2.51% deviation. **Mr. Kane** said that he had added a line that said, *alternative configurations resulted in the additional split of counties* and a comment that *more compact configurations were rejected because they would have required the splitting of counties which was specifically disallowed*. **Chairman Beitelspacher** said that he was looking for another repeat of the language in the paragraph above, about the district being large, however **Mr. Kane** had covered that.

Mr. Kane pointed out that in paragraph 21 he had changed the language to indicate that they had all of these counties, and even when they put them together, they were still short on population so they had to add in a portion of Canyon County. He confirmed that the population was 44,559, with a -.51% deviation. **Chairman Beitelspacher** asked if Payette County was also bordered by Gem County. **Mr. Kane** indicated that Gem was not an available county for that district.

District 10 had a population of 45,222 with a deviation of +1.42%.

District 11 had a population of 43,430 with a deviation of -3.03%.

District 12's population was corrected to 45,525 with a deviation of +1.65%.

District 13's population was corrected to 46,784 with a +4.46% deviation.

District 14 had a population of 44,919 with a +.29% deviation.

District 15 had a population of 42,799 with a deviation of -4.44%.

District 16 had a population of 44,383 with a deviation of -.90%.

District 17's population was corrected to 43,778 with a deviation of -2.26%

District 18 had a population of 43,586 with a deviation of -2.68%.

District 19 had a population of 42,921 with a deviation of -4.17%.

District 20 had a population of 42,610 with a deviation of -4.86%.

District 21 had a population of 43,541 with a deviation of -2.78%.

District 22 had a population of 43,828 with a deviation of -2.14%.

District 23 had a population of 44,458 with a deviation of -.74%. **Mr. Kane** said that he had deleted the tribal reference from that district as well. **Chairman Beitelspacher** referred to the bottom of the page where it said *the portion of Twin Falls County that is included is clearly distinguishable by major highways* and said that he was not sure that was the case as he thought in one case they had followed precinct lines. **Commissioner Hansen** said that Highway 51 went directly through Elmore and Owyhee County, but did not go through Twin Falls County. There was some discussion regarding this sentence, and it was determined that it would be crossed out. There was also some discussion about Twin Falls County and Elmore County being contiguous, and it was determined that they met in the King Hill, Glens Ferry area.

Mr. Kane moved on to District 24, which had a population of 46,915 with a deviation of +4.75%.

District 25's population was corrected to 46,795, with a deviation of +4.48%. **Mr. Kane** explained that he had added a sub paragraph (a) which stated *In the creation of this district, and the reapportionment of Twin Falls County in particular, Districts 23, 24, and 25 reflect the difficulty of reapportionment in Idaho. A single plan was advanced (out of 8 possibilities) that split Twin Falls County only once (apportioning it among two districts instead of three). The Commission considered that alternative but rejected it because it required the bisection of the City of Twin Falls, a combination of Minidoka and Jerome Counties (which are connected by a sliver of land constituting the Snake River Canyon), and breaks up the natural combination of Minidoka and Cassia Counties, an area that is commonly referred to as "Mini-Cassia."* Based upon the Idaho Supreme Court's express recognition of the advisory nature of Idaho Code § 72-1506(5), the Commission after careful consideration determined that the configuration of Plan L93 best served the citizens of Idaho, Twin Falls, Minidoka, Jerome, and Cassia Counties. He explained that the paragraph then talked about that wording, and he had added a sub paragraph (b) which said, *This configuration represents the Commission's adherence to the mandatory requirements of Idaho Code § 72-1506, including ¶ (2) that "to the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest" over the advisory requirement of Idaho Code § 72-1506 (5) that "In the event that a county must be divided, the number of such divisions, should be kept to a minimum.*

Mr. Kane asked if everything in the (a) paragraph was correct. **Commissioner Hansen** noted that this subject was important as this was the subject that had been covered in the Twin Falls Times News that morning. **Commissioner Hansen** then read from the article which said *Idaho's second Redistricting Commission unanimously approved a new map of Gem State political boundaries its members say that jibes with guidelines handed down last week by the Idaho Supreme Court.* He said that it went into that discussion, and continued *Twin Fall's prosecutor Grant Loeb's attended Friday's meeting in Boise and didn't rule out challenging the new map. While it splits five fewer counties than the commission's first map, it divides Twin Falls County among three districts. Mr. Loeb's said that their argument was that they could not split counties for no reason. After the meeting he said that Twin Falls County was again split for no legitimate reason when a plan was offered by Randy Hansen which would have avoided that, and which would have disadvantaged no other county and no other identifiable group of people. Loeb's said he plans to speak to Twin Falls County commissioners on Monday to see if they would back a new challenge. Idaho's legislative districts must be revised once every decade to preserve the U.S. Constitution's one person, one vote requirement.*

Commissioner Hansen said that his perception, in talking with **Mr. Loeb's** was that his suit originally was that they could not divide within a county, let alone the splits which the commission had done. The internal splits, as they understood what the Supreme Court had said, was that if they split a county once, they could split that county many times. He indicated that **Mr. Loeb's** reading of that was that the interpretation was very narrow; that if there was an opportunity to split a county only one time, then they could not split within the county also.

Mr. Kane said that was why the findings were drafted in that manner, because they highlighted the mandatory nature of one paragraph over the advisory nature of another paragraph. He said that the key component was that once they got down to the seven vs. eight county splits, and were at the absolute minimum number, then the internal division, according to the Supreme Court, became advisory. In answer to questions from the commission, **Mr. Kane** indicated that because of what the Supreme Court had said he had indicated in the very beginning of the findings and conclusions which of the provisions of § 72-1506 were mandatory, and he had listed those paragraph numbers. He said that communities of interest was a mandatory paragraph, and when they got to ¶ 5 they had two requirements, first was the absolute minimum number of counties that shall be split, which was mandatory plus, because of the Constitutional requirement it was elevated to primacy within the statute. He indicated that even though it was #5, it went up to essentially +1. **Mr. Kane** indicated that what the court said was that the remainder of the requirements were merely advisory, and that was why they listed the two requirements that were merely advisory, and had broken those out within the findings. He pointed out that the second sentence in ¶5 had now been determined to be merely advisory by the Idaho Supreme Court. He said that the way that it was positioned was that theoretically someone challenging that split had to essentially ask the Supreme Court to change its mind.

There was then a discussion regarding the words *should* and *shall*, and **Mr. Kane** said that *should* was advisory.

Chairman Beitelspacher apologized to the commission and asked **Mr. Kane** to go over his explanation one more time. **Mr. Kane** said that the best way to look at it was to go back to the statute, and in looking at paragraphs 1, 2, and 3, they all said *shall*, such as *shall be*

exclusive permissible data, shall preserve traditional neighborhoods, and shall be substantially equal. However paragraph 4 said that *the plan should*, so that became advisory. Paragraph 5 had two sentences, the first sentence was *shall be avoided whenever possible*, which would make it mandatory. The second sentence in paragraph 5 said *in the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum*, so sentence number 2 was advisory only. He said that the word in the remainder of the sentences was *shall*. He explained that if they had a plan that had 8 counties split and a plan that had 7 counties split, the 8 county plan was unconstitutional because they had a 7 county split plan. If they had only split 7 counties and they got into a scenario where the decision was if they split a county an additional time internally, and they were considering the other factors such as communities of interest and everything else, according to the court it seemed as if that split was permissible because it was an advisory to split a county no more than necessary. He said that was why it was very important that the information in paragraph (a) be accurate.

Commissioner Hansen asked where communities of interest fit in with that. **Mr. Kane** said that they now had a hierarchy within the statute where they had 5 or 6 mandatory provisions, so every numbered paragraph that had a *shall* in it became elevated over any advisory provision that said *should*. **Commissioner Hansen** said that he had asked specifically about communities of interest because that was a major priority of the commission. He asked if they could have a direct conflict between the Bannock Tribe as a community of interest, and their responsibility to make sure that counties were not divided. **Mr. Kane** explained that they were not equal, and that the best way to put it was that they had two super requirements which were the 10%, and minimum counties split, and then they had the mandatory requirements which were all of the *shalls*, and then they had the advisory provisions which were the two *shoulds*.

Chairman Beitelspacher indicated that first they had the constitution that said they couldn't divide any counties, and then they had the statute underneath the Constitution that said thou shall preserve traditional neighborhoods and local communities of interest. Then, he said that because the court in its wisdom defined *shall* and *should* for them so there was not any doubt about shall as a priority over should and that they follow the statutes. And then the statutes came along and said that the number of divisions per county should be kept to a minimum, and that was what allowed them to preserve the city of Twin Falls because that was a *shall* under community of interest but *should* allowed them to make another division within the county. **Mr. Kane** said that they were also able to preserve the community of interest of Mini-Cassia which was readily identifiable, and it preserved both of those counties' boundaries within that district. **Mr. Kane** said that he wanted to make sure that all of the statements of fact that he had put into paragraph (a) were correct. He asked how Jerome and Twin Falls were combined, and suggested that it was the canyon, and somewhere in the middle of the Snake River would be the mythical county line. **Commissioner Hansen** pointed out that they had a major highway that divided the two counties. He indicated that Highway 93 ran right through Twin Falls and Jerome into Sun Valley.

Mr. Kane then asked that the commission go to paragraph 36, and then look at the paragraph underneath it, which for some reason did not have a number, and would be paragraph 37. **Chairman Beitelspacher** asked if all of the commissioners had an understanding of what had finally dawned on the chair about the priorities. **Commissioner Olsen** said that she had recently come to understand it, and it was really pretty clear. **Chairman Beitelspacher** asked **Ms. Ford** to write up a "cheat sheet", or graphic, for the commissioners outlining the priorities. He then asked **Mr. Kane** to run through paragraph 36 one more time.

Mr. Kane said that District 24 had a population of 46,915 and a deviation of +4.75%.

The next paragraph, which would be paragraph 37, described District 25, and it would also have an (a) and a (b) section. District 25 had a population of 46,795 with a deviation of +4.48%. He asked the commission if everything in the (a) paragraph was correct. That paragraph read, *In the creation of this district, and the reapportionment of Twin Falls County in particular, Districts 23, 24, and 25 reflect the difficulty of reapportionment in Idaho. A single plan was advanced (out of 8 possibilities) that split Twin Falls only once (apportioning it among two districts instead of three). The Commission considered that alternative but rejected it because it required the bisection of the City of Twin Falls, a combination of Minidoka and Jerome Counties (which are connected by a sliver of land constituting the Snake River Canyon), and breaks up the natural combination of Minidoka and Cassia Counties, an area commonly referred to as "Mini-Cassia." Based upon the Idaho Supreme Court's express recognition of the advisory nature of Idaho Code § 72-1506(5), the Commission after careful consideration determined that the configuration of Plan L93 best served the citizens of the State of Idaho, along with Twin Falls, Minidoka, Jerome, and Cassia Counties. (In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum. Twin Falls County, at *4, ("They are merely advisory.") & n.4 (clarifying which provisions are advisory).* He asked the commission if that was all accurate. **Commissioner Crow** said that it sounded good to her.

Mr. Kane said that paragraph (b) further clarified by saying, *This configuration represents the Commission adherence to the mandatory requirements of Idaho Code § 72-1506, including ¶ (2) that "to the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest" over the advisory requirement of Idaho Code § 72-1506(5) that "In the event that a county must be divided, the number of such divisions, should be kept to a minimum.* **Chairman Beitelspacher** asked if there was a need to refer back to the Supreme Court's reference to *shall* and *should*. **Mr. Kane** pointed out that they had just done that right above there. **Commissioner Hansen** said that every one of the plans, except for one, combined Jerome and Twin Falls County, so there was only one plan presented that did not combine Twin Falls and Jerome. He added that he thought that all of the plans were pretty consistent with keeping those areas together, except for one. **Mr. Kane** said that the point of that paragraph was that Jerome and Twin was the natural combination, just like Minidoka and Cassia were the natural combination, so in order to go to a single split in Twin they had to create the unnatural combination of Jerome and Cassia. He indicated that it really stretched the definition of contiguous counties by

the way the one plan had combined counties because it was a diagonal connection, or a cartographer's contiguation as opposed to what he would call a political or a demographical contiguation. **Chairman Beitelspacher** thanked **Mr. Kane** for going through the explanation again, and for the commission's indulgence. **Commissioner Olsen** thanked **Mr. Kane** for the clarity in drafting the findings. **Chairman Beitelspacher** said that he admired the quality that **Mr. Kane** had of never seeming to lose his train of thought.

Before the commission moved on, **Chairman Beitelspacher** asked if **Commissioner Hansen** was comfortable with what had gone on. **Commissioner Hansen** said that he thought they had defined *shall* and *should*, and that as he had read it, he could not see the definition. **Commissioner Grange** said that even on Thursday, when they were all looking at it, they did not understand why it was numbered or stated in the way that it was, and she did not understand the difference either. **Commissioner Hansen** said that those statements were huge, and now they understood the difference.

Mr. Kane continued with District 26 that had a population of 43,165 with a deviation of -3.62%.

District 27 had a population of 43,021 with a deviation of -3.95%.

District 28 had a population of 46,955 with a deviation of +4.84%.

Chairman Beitelspacher asked if there was anything else they wanted to say about District 27 which was tied together with Interstate 84. **Commissioner Hansen** said that the counties were also tied together north and south. **Chairman Beitelspacher** said that he wanted to reinforce previous paragraphs, and wondered if there was anything else that needed to be said there. **Commissioner Hansen** said that they were combined by business, and both were agriculture-based. He added that anyone in the Treasure Valley knew the term Mini-Cassia, and he thought that said a lot.

District 29 had a population of 43,701 with a deviation of -2.43%.

Commissioner Martinez asked if they wanted to include that District 28 was tied together by a major interstate or community of interest. **Mr. Kane** said that they could put the Interstate in, however the key was that District 28 was a *shall* combination, but he would include a reference to highways I86 and I15. **Commissioner Hansen** said that they ought to add that to fulfill the requirement of the Supreme Court by shifting Power County and Gooding Counties either way it changed the dynamic of the entire map. He indicated that doing that with Power County was strictly to comply with the *shall* from the Supreme Court.

District 29 had a population of 43,701 with a deviation of -2.43%.

District 30 had a population of 46,525 with a deviation of +3.88%.

In District 31 **Mr. Kane** indicated that he would scratch out the section that said *part*, because it was the entirety of the county. The population was 45,607 with a deviation of +1.83%.

Mr. Kane said that he had made some cosmetic changes in the paragraph regarding District 32 by changing the word *sparsity* to *sparseness*. **Chairman Beitelspacher** asked about the numbering system, and how Bingham County became District 31 instead of District 30. **Ms. Ford** asked if the commission would like them to renumber the districts. There was then some discussion about switching the numbering system, and it was determined that they would leave the numbers as they were on the map.

In District 32, **Mr. Kane** said that there was a sentence that described splitting Teton County which he had deleted as that county was no longer split. District 32 had a population of 44,502 with a deviation of -0.64%. **Chairman Beitelspacher** asked if they wanted to have a reference to the waiver of the road requirement in that district. **Commissioner Olsen** said that this was one of those areas where there was no road, and she thought they should specifically indicate the waiver in that district. **Chairman Beitelspacher** asked **Mr. Kane** to add that language to this paragraph. **Commissioner Hansen** asked if they wanted to add some kind of reference to the fact that Teton County was whole. **Mr. Kane** said that was in there, and he read the sentence which said that *District 32 included the entirety of Bear Lake County, Caribou County, Franklin County, Oneida and Teton County*. **Commissioner Hansen** asked if they should specifically reference that they had met the court's requirement. **Mr. Kane** said that since it was whole it was not even debatable. **Chairman Beitelspacher** summed up the changes to District 32 by saying they had deleted the word *part* in the lead sentence, and they had added the boiler plate language that addressed the road rule issue. **Commissioner Martinez** asked if there was any reason to reference the addition of Oneida County. **Mr. Kane** said that any time they had a whole county it spoke for itself. **Commissioner Grange** said that she liked the wording in District 7 about how large the district was. **Commissioner Olsen** said that she thought that was worth mentioning as that was a sore spot that they had made sorer by adding to the district. **Mr. Kane** said that he would add the language from District 7 to District 32.

District 33 had a population of 45,964 with a deviation of +2.63%.

District 34 had a population of 44,970. The commission corrected the deviation to +.41%.

District 35 had a population of 43,255 with a deviation of -3.42%.

Chairman Beitelspacher asked that they review District 34, and said that he felt they needed to address the portion of Bonneville County that they had moved out of the county. He said that for example they had taken Ucon and Iona and had put them up, but they kept them whole in the process, and when they moved District 32 out, they had kept that portion whole in the process. He indicated that when they took portions of the counties out and moved them, that in the process they just didn't go into the city of Idaho Falls, they had kept Ucon and Iona whole when they went up. **Commissioner Olsen** suggested that they had kept the communities of interest together. **Mr. Kane** indicated that he would add *although Bonneville County was split to comply with Article III, Section 5, the communities of Ucon and Iona were maintained*. The commission reviewed the map to determine that these communities were preserved. **Chairman Beitelspacher** said that this was important because if someone actually read the minutes they would know that there was some reason why the commission did what they did, and that they didn't just go out in the sagebrush and pick a spot to draw the lines. He added that **Commissioner Olsen** was going to have to explain this, and he wanted to make sure that it was spelled out as clearly as possible.

Mr. Kane said that he would make all of the changes, and the document should be ready to go on Monday morning. In response to a question from **Commissioner Martinez**, he indicated that he would make the changes immediately and would email the document to **Ms. Ford** so she could email it to the commissioners.

Commissioner Hansen asked if they were done until Monday. **Chairman Beitelspacher** said that the A.G. was going to rewrite the findings and email them to **Ms. Ford**. **Ms. Ford** was then going to print them for the commissioners, so if they wanted to wait they could take those copies with them to read. He indicated that **Ms. Ford** was also going to put together for them the prioritization that took place, specifically for the Twin Falls area. He added that **Ms. Ford** had also put together the information for **Commissioner Olsen** and **Commissioner Hansen**. **Ms. Ford** indicated that she, **Mr. Cutler** and **Ms. Gaudet** would be working to put together the binders for the Secretary of State, which was a print-out of the maps. **Chairman Beitelspacher** asked how long it would take to get a hard copy of the rewritten findings, and **Ms. Ford** said that she didn't think it would take very long.

Commissioner Olsen said that she was going to write a column about the commission and would like each of the commissioners to read it to make sure that it was accurate.

Commissioner Martinez said that he was also going to submit an article to his paper to give his perspective. **Commissioner Hansen** asked **Ms. Ford** to email **Commissioner Martinez** what he had written about the Twin Falls area. He indicated that what he had written was more educational than anything, but there was a part that said they had done their best, and that was the best they could do.

Chairman Beitelspacher said that those of them that felt comfortable sharing what they were submitting to the press would be fine, however he didn't want the commissioners to feel that they had to have the commission look it over first.

He then asked **Mr. Cutler** if he could prepare a 2' x 3' map of L93 for each of the commissioners.

Commissioner Martinez asked what time they were going to meet on Monday. He was advised that they would meet at 9:30 a.m.

The commission then discussed travel arrangements, hotel accommodations and expense reports.

Commissioner Hansen said that he personally wanted to thank the co-chairs for their wonderful work and their dedication. He also said he wanted to personally thank the rest of the commission. He said that the outcome wasn't what any of them wanted, but was what they needed to do according to the court.

Commissioner Crow said that she wanted to thank everyone for standing behind them, and pushing a little bit in some instances, as it was tough, but that was just the way it was. She added that she appreciated all of them a lot.

Chairman Beitelspacher said that **Commissioner Crow** and **Commissioner Hansen** were heroes in his book. He indicated that those kinds of pressures should never have been brought to bear, and that those kinds of things never should have entered into it. He added that **Commissioner Crow** and **Commissioner Hansen** had given so much not only to the state, but he would say to the Republican Party. He indicated that not every action in their lives was dictated by the Republican Party, but their own principles and beliefs were reflected in the core of that party, and to have the very core of who they were challenged by those who had never given the service which they had given, was very disturbing to him. He said that our country was based upon them doing what they did and being who they were, and all of them were so appreciative of their service to this state. He indicated that no matter how their votes differed while they were legislators, they were incredible Americans and patriots in his view. **Commissioner Olsen** thanked **Chairman Beitelspacher** for saying that so eloquently, and said that she totally agreed. She indicated that she really thought that the bonds which they had formed went beyond the commission. She said that their biggest fear and worry was that **Commissioner Crow** and **Commissioner Hansen** would not stand strong, and they appreciated that they had. She said that she knew that they were not going to join the same party, but there was a stronger bond, and it had been a privilege for her.

Commissioner Crow said that she had always said that they needed both parties to make the union work, and she really believed that now.

Commissioner Martinez said that that he was thankful that they had a unanimous vote in every vote they took this time around.

Commissioner Crow said that it had been grand to meet again, however she was hoping that she would not see them for awhile in that venue.

Chairman Beitelspacher said that he would entertain a motion to adjourn to a time certain, 9:30 a.m. on Monday. **Commissioner Hansen** so moved and **Commissioner Grange** seconded the motion. The motion passed unanimously with **Commissioner Crow**, **Commissioner Grange**, **Commissioner Hansen**, **Commissioner Martinez**, **Commissioner Olsen**, and **Chairman Beitelspacher** all voting in the affirmative. **Chairman Beitelspacher** adjourned the meeting.